

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL CREDIT UNION  
ADMINISTRATION BOARD,  
as Liquidating Agent of Southwest Corporate Federal  
Credit Union and Members United Corporate  
Federal Credit Union,

Plaintiff,  
v.

UBS SECURITIES LLC,  
Defendant.

No. 13-cv-6731 (DLC)

NATIONAL CREDIT UNION  
ADMINISTRATION BOARD,  
as Liquidating Agent of Southwest Corporate Federal  
Credit Union and Members United Corporate  
Federal Credit Union,

Plaintiff,  
v.

CREDIT SUISSE SECURITIES (USA) LLC,  
CREDIT SUISSE FIRST BOSTON MORTGAGE  
SECURITIES CORP.,

Defendants.

No. 13-cv-6736 (DLC)

**NOTICE OF NCUA'S MOTION FOR  
SUMMARY JUDGMENT ON  
DEFENDANTS' LIMITATIONS  
DEFENSES**

**ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE that Plaintiff National Credit Union Administration Board (“NCUA”), as liquidating agent of Southwest Corporate Federal Credit Union and Members United Corporate Federal Credit Union, by and through its undersigned counsel, relying upon (i) its Memorandum of Law in Support of its Motion for Summary Judgment on Defendants’ Limitations Defenses, (ii) the Declarations and Exhibits annexed thereto, (iii) its Local Rule 56.1 Statement of Undisputed Material Facts in Support of its Motion for Summary Judgment on Defendants’ Limitations Defenses, and (iv) all prior proceedings and matters of record in these cases, will move this Court before the Honorable Judge Denise L. Cote, United States District Judge, Southern

District of New York, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, at a date and time to be determined by the Court, for (i) an order in No. 13-6731 granting summary judgment pursuant to Federal Rule of Civil Procedure 56(a) against Defendant UBS Securities LLC, (ii) an order in No. 13-6736 granting similar relief against Defendants Credit Suisse Securities (USA) LLC and Credit Suisse First Boston Mortgage Securities Corp., and (iii) such further relief as the Court deems just and proper. Oral argument is requested.

As authorized by the Stipulation and Order approved and filed by the Court on February 1, 2016, the documents supporting this Motion are being filed initially under seal and will be filed in redacted form within three weeks of the date of this Motion. As further stated in the same Stipulation and Order, the parties are to meet and confer regarding the page limits and briefing schedule for opposition and reply memoranda of law.

Date: February 5, 2016

Respectfully submitted,

/s/ David C. Frederick

David C. Frederick  
Wan J. Kim  
Gregory G. Rapawy  
Andrew C. Shen  
KELLOGG, HUBER, HANSEN, TODD,  
EVANS & FIGEL PLLC.  
Sumner Square  
1615 M Street, N.W., Suite 400  
Washington, D.C. 20036  
Tel: (202) 326-7900  
Fax: (202) 326-7999  
dfrederick@khhte.com  
wkim@khhte.com  
grapawy@khhte.com  
ashen@khhte.com

George A. Zelcs  
KOREIN TILLERY LLC  
205 North Michigan Avenue, Suite 1950  
Chicago, IL 60601  
Tel: (312) 641-9750  
Fax: (312) 641-9751  
gzelcs@koreintillery.com

Stephen M. Tillery  
Robert L. King  
KOREIN TILLERY LLC  
505 North Seventh Street, Suite 3600  
St. Louis, MO 63101  
Tel: (314) 241-4844  
Fax: (314) 241-3525  
stillery@koreintillery.com  
rking@koreintillery.com

Erik Haas

Peter W. Tomlinson  
Philip R. Forlenza  
Henry J. Ricardo  
PATTERSON, BELKNAP, WEBB & TYLER  
LLP

1133 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 336-2000  
Fax: (212) 336-2222  
ehaas@pbwt.com  
pwtomlinson@pbwt.com  
prforlenza@pbwt.com  
hjricardo@pbwt.com

David H. Wollmuth  
Frederick R. Kessler  
Steven S. Fitzgerald  
Ryan A. Kane  
WOLLMUTH, MAHER & DEUTSCH LLP  
500 Fifth Avenue, 12th Floor  
New York, NY 10110  
Tel: (212) 382-3300  
Fax: (212) 382-0050  
dwollmuth@wmd-law.com  
fkessler@wmd-law.com  
sfitzgerald@wmd-law.com  
rkane@wmd-law.com